



TOWN OF SOUTHERN SHORES

"A Town of Volunteers"

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Ordinance No. 2004-09-02

An Ordinance of the Southern Shores Town Council Relating to Trashcans

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 8-5(b), Southern Shores Town Code - Placement and maintenance of receptacles

Section 8-5(b) of the Southern Shores Town Code is hereby amended as follows:

- (a) No receptacle shall be placed out on the street right of way earlier than twenty four (24) hours before scheduled pickup. A Receptacle shall be moved out of the street right of way within twenty four (24) hours following each collection. Violations will subject the offender to a civil penalty upon the issuance of a citation as provided in Section 1-6 (d-1-b) of the Code of Ordinances of the Town of Southern Shores, hereinafter referred to as the Code.
- (b) Upon finding a receptacle in violation of this section, the Town shall remove the trashcan from the street right of way, notify the owner of the violation, and assess a civil penalty in accordance with Section 1-6(d-1-a) of this Code.

Article IV. Create Section 1-6(d-1-b), Southern Shores Town Code - General penalty; enforcement of ordinances; continuing violations.

Section 1-6 (d-1-b) of the Southern Shores Town Code is hereby created to read as follows:

(d-1-a) Violations of Section 8-5(b) of this Code shall subject the offender to a civil penalty upon the issuance of a notice or ticket to the owner of the property as listed by the Dare County Tax Assessor requiring the owner of the property to report to the town offices within

seventy-two (72) hours after such notice has been mailed by first class mail and answer to same or to return such ticket or notice by mail with civil penalty. The amount of civil penalty shall be in the sum of twenty-five dollars (\$25.00) for this first violation where one or more receptacles are in violation of law. If a second violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of thirty-five dollars (\$35.00) for this second violation where one or more trashcans is in violation of law. If a third violation shall occur within ninety (90) days of the first violation, the amount of civil penalty shall be in the sum of fifty dollars (\$50.00) for this third violation where one or more trashcans is in violation of law. If the civil penalty is not paid within fifteen (15) days of the issuance of the notice or ticket, the sum shall be recovered by the town in a civil action in the nature of a debt.

Article V. Amend Section 8-9, Southern Shores Town Code - Source separation and recycling

Section 8- 9 (c) (2) of the Southern Shores Town Code is hereby amended as follows:

(2) *Curbside recycling pickup will be provided once per week from Memorial Day to September 30 and twice each month during the remainder of the year.*

Article VI. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VII. Effective Date

This Ordinance is effective immediately.

Approved this 5th day October 2004.

ATTEST:

A circular seal with the words "SOUTHERN SHORES TOWN" around the perimeter and "SEAL" in the center.
Carrie Gordin
Carrie Gordin, Town Clerk


Mayor Paul Sutherland

Vote: Aye 5 Nay 0

Date Introduced: 09/07/2004

Date(s) Published: 09/23/2004

Publication: Coastland Times

Approved as to Form:


Ike McRee, Town Attorney